

SPECIFICATION

TITLE OF INVENTION:

Automated method to communicate whistleblower concerns effectively

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CROSS-REFERENCE TO RELATED APPLICATIONS

The current invention's methodology promotes organizational openness and communications such as (1) required for the safe operation of critical facilities (including nuclear power plants, industrial facilities, and space agencies) and (2) expected of large corporations where issues of integrity and due diligence are potentially critical to corporate survival. If an effective means of accomplishing these tasks reliably were already available and applied, major disasters, corporate failures, and similar consequences caused by adverse safety cultures and caused by integrity or corruption issues would likely have been avoided. Thus, it is apparent that this inventive area has not previously been addressed.

In addition to this ongoing prior inventive area void, the current invention's methodology is fundamentally contrarian relative to previous communications and management practices, a contrariness that makes it even less likely that the previous art includes the methodology of the current invention. Moreover, similar to the already stated adverse consequences, the recent and continuing failures and events in critical corporate as well as government organizations also attest to a lack of a means for those workers or employees who need an effective method for raising issues and concerns, specifically exemplified by so-called whistleblowers. Since it is clear by the results that prior practice also does not effectively deal with this worker or employee issue-communication problem, the current invention is even more valuable and relevant in that it does deal effectively with this type of problem. Specifically, the current invention provides a means for potential whistleblowers to blow their whistles in a more positive way and with less probability of actually being pejoratively classified as whistleblowers.

The above inventive-void evidence notwithstanding, a search for prior patents potentially related to the current invention resulted in no direct precedent. Also, prior management practices taught in business schools was reviewed, resulting in a realization that much is said but little is accomplished in practical terms toward the goal of "continuous improvement" and the idealistic but here-to-fore unrealistic claim by senior managers that they have "open door policies." An effective implementation methodology of these and related theories has previously been lacking or unachievable, especially in the area of open communications from lower level workers and employers to senior managers.

Moreover, as regards the many inventions involving unique computer codes and telecommunications systems, the current invention's methodology can be and should be implemented using a wide range of software applications and computer or network hardware. That is, an additional advantage of the current invention is that its new methodology can be licensed and fielded using many different software languages, computer designs, and network architectures without violating any specific, previous, automation-related patent. This flexibility makes it possible to field the current invention quickly, with minimal constraints. The only constraints are those needed to allow similar databases to be created to facilitate data aggregation and integration. Since there are many ways to create and use databases, the current invention claims no unique or necessary benefits from previous programming languages or software algorithms that may be patented inventions or methods.

The previous patents reviewed relative to the current invention were determined to be distinct and not related either in purpose or approach to the current invention. To reach this determination, an online search was conducted and identified several computer or computer system patents related to (search words) organization, management, culture, reports, issues, concerns, problems, and safety. Finding such computer related inventions is a result that appears consistent with the fact that the current invention in its most practical form largely relies at least on computer-based automation in general. The potentially most closely related previous patents were reviewed relative to the current invention and are listed and discussed below, with their associated abstracts. The

comments are intended to suggest how the current invention is different and distinct in purpose and approach.

United States Patent

6,411,936

Sanders

June 25, 2002

Enterprise value enhancement system and method

Abstract

An enterprise value enhancement system, method, and apparatus that uses an enterprise value enhancement model based on planning loop structures. The system receives field feedback input from users in response to surveys generated by a field feedback survey generator. A switchboard in the system sends this feedback, as well as data from one or more databases, to parts of the system including a performance processor, a customer asset valuation processor, a performance metrics engine, and a value enhancement solution generator, which generates value enhancement solutions and delivers recommended solutions for value enhancement of the enterprise, with linkages to specific functions.

Comments relative to the current invention:

This prior patent is a complex, survey-based planning and asset manager directed at increasing enterprise value through manipulation of information. It is not intended to overcome middle-manager filters, get critical information to senior managers, diminish the probability of creating organizational whistleblowers, or provide for issue and

concern integration, aggregation, and dissemination. This previous patent does not and could not aggregate issues and concerns from multiple real time sources for a company or for an industry and generate the associated reports for responsible senior managers, government regulators, or the public.

United States Patent

6,134,539

O'Connor, et al.

October 17, 2000

System, method and article of manufacture for a goal based education and reporting system

Abstract

A system is disclosed that provides a goal based learning system utilizing a rule based expert training system to provide a cognitive educational experience. The system provides the user with a simulated environment that presents a business opportunity to understand and solve optimally. Mistakes are noted and remedial educational material presented dynamically to build the necessary skills that a user requires for success in the business endeavor. The system utilizes an artificial intelligence engine driving individualized and dynamic feedback with synchronized video and graphics used to simulate real-world environment and interactions. Multiple "correct" answers are integrated into the learning system to allow individualized learning experiences in which navigation through the system is at a pace controlled by the learner. A robust business model provides support for realistic activities and allows a user to experience real world consequences for their actions and decisions and entails realtime decision-making and synthesis of the educational material. A dynamic feedback system is utilized to provide a report on one or more students' progress to assist in defining the educational goal.

Comments relative to the current invention:

This is a canned instructional system intended to improve skills using sophisticated multi-media support and artificial intelligence strategies and is not intended to improve a corporate safety culture or integrity as intended under the current invention. The reporting is for the benefit of the student and is limited to student improvement. This previous patent does not and could not aggregate issues and concerns from multiple real time sources for a company or for an industry and generate the associated reports for responsible senior managers, government regulators, or the public.

United States Patent

6,256,640

Smalley , et al.

July 3, 2001

System for managing regulated entities

Abstract

A regulatory agency with the responsibility of administering regulations uses a system with joint-usage capabilities, including data about regulated entities that are subject to the laws and rules administered by the agency and software for accessing the data. The joint-usage capabilities are preferably used by all subdivisions or departments of the agency that have similar functions or administer regulations on the same regulated entities.

Variations in the ways that the departments administer regulations are handled two ways. First, each regulated entity may have several subject items defined in the joint-usage data with each subject item related to the regulations that a single department administers. Thus, if two departments are responsible for a single regulated entity, each may create one or more subject items in the joint-usage data describing the regulated objects, activities, or other aspects of that regulated entity. Second, when one department's regulations require storage of data that is inconsistent with how the majority of departments administer their regulations, department- or program-specific capabilities are used to store the program-specific data. The system merges the program-specific data with the joint-usage data so that the users have a seamless view of the data related to

administering regulations applicable to the regulated entities. This enables the regulatory agency to produce "multimedia" permits, inspections and enforcement orders. The system is flexible enough to be used equally as well by separated program areas.

Comments relative to the current invention:

This previous invention helps regulators manage regulations and the associated regulated entities, using sophisticated databases accessible to multiple divisions of the regulatory organization so that the details of how the regulations are applied in specific cases are not lost and are, indeed, readily available to the regulators. This previous patent does nothing to improve the internal safety culture or provide lower level worker inputs regarding their issues or concerns or propose corrective actions of the agency. This previous patent does not and could not aggregate issues and concerns from multiple real time sources for a company or for an industry and generate the associated reports for responsible senior managers, government regulators, or the public.

United States Patent

6,341,287

Sziklai , et al.

January 22, 2002

Integrated change management unit

Abstract

An integrated system for managing changes in regulatory and non-regulatory requirements for business activities at an industrial or commercial facility. Application of this system to environmental, health and safety activities, and to food, drug, cosmetic, and medical treatment and device activities, are discussed as examples. The system: provides one or more databases that contain information on operations and requirements concerning an activity or area of business; receives information on regulatory and non-regulatory changes that affect operations of the business; converts these changes into changes in data entry forms, data processing and analysis procedures, and presentation (by printing, electronic display and/or distribution) of data processing and analysis results to selected recipients, without requiring the services of one or more programmers to re-key and/or reformat the items affected by the change; and implements receipt of change information and dissemination of data processing and analysis results using the facilities of the Internet.

Comments relative to the current invention:

This previous patent provides automation means for managing changes to requirements, facilitating the implementation of those changes using the Internet. It incorporates information on operations and requirements, distributing results to selected recipients.

This previous patent does nothing to improve the organization's internal safety culture or provide lower level worker inputs regarding their issues or concerns or propose corrective actions for the organization. This previous patent is a top-down system, does not and could not aggregate issues and concerns upward in the organization from multiple real time sources for a company or for an industry, and is not intended to generate the associated reports for responsible senior managers, government regulators, or the public.

United States Patent

6,557,009

Singer , et al.

April 29, 2003

Environmental permit web portal with data validation capabilities

Abstract

A system is disclosed that allows remote, regulated entity users web based access to authorization data, such as permit data in an environmental regulatory permitting or management system. The user can enter, edit and submit permit and compliance data in the environmental permitting system controlled by a regulating agency in real-time via a web browser over the Internet. The system can also validate submitted information in real-time and allows the user to correct the data. Electronic certification with a unique signature is also performed. Fee payment can be made electronically in real-time through the permitting system with an electronic payments system with a corresponding credit being made to the relevant department general ledger account.

Comments relative to the current invention:

This previous patent provides regulated entity users access to information useful to creating and validating information submitted in pursuit of an authorization permit. This previous patent does nothing to improve the internal safety culture or provide lower level worker inputs regarding their issues or concerns or propose corrective actions for the

organization. This previous patent is a top-down system, does not and could not aggregate issues and concerns from multiple real time sources for a company or for an industry, and is not intended to generate and facilitate the associated reports to responsible senior managers, government regulators, or the public.

United States Patent

6,324,650

Ogilvie

November 27, 2001

Message content protection and conditional disclosure

Abstract

Methods and systems are provided for controlling the disclosure of sensitive information.

Disclosure is controlled in the sense that (a) the information is not disclosed until predefined conditions are met, such as the passage of a certain time without an authorized update request for secrecy, (b) copies of the information are protected by encryption and by widespread, unpredictable storage, so that at least one copy will be available when disclosure is required, (c) the information is kept secret until disclosure is required, and (d) when disclosure is required, the information is sent to predefined destinations such as email addresses or posted to web sites, in a predefined format.

Comments relative to the current invention:

This previous invention deals with sensitive information release criteria and encryption that apply “until disclosure is required” rather than promoting the communication of information within an organization or industry. It is intended primarily to hide and delay the release of individual pieces of sensitive information. While this previous invention demonstrates that sensitive information can be controlled and managed using automation,

it does not address the aggregation, integration, peer review, and safety culture improvements that are the objectives and elements of the current invention, either for a company or for an industry, and is not intended to generate the associated reports for responsible senior managers, government regulators, or the public.

United States Patent Application

US-2003/0135378

Carlson, et al.

July 17, 2003

Method and system for reporting, assigning, and tracking facilities incident reports

Abstract

A method and system for reporting, assigning, and tracking facilities incident reports provides a single integrated approach to maintaining incident reports. Incident reports that affect personnel, production, equipment or the environment are reported via a computer network. Supervisors are notified of the incident report and assign corrective action. Other relevant personnel are notified of the incident report to classify the incident and complete corrective action.

Comments relative to the current invention:

This previous invention deals with managing the corrective actions to incident reports, but the current invention provides a means to help avoid incident reports in the first place. The previous invention also provides no means for anonymity even if an issue posed by a whistleblower were to be accepted as an incident report, which also contradicts the notion

of a whistleblower in itself. That is, people involved with either causing or reporting on an incident are not really characterized by the pejorative name of whistleblower and do not face the same kinds of retribution as experienced by a whistleblower, which is often someone who continues to campaign for additional corrective actions and, if needed, reports a problem to regulators even when the problem has been rejected by management at some level. The previous invention does not promote peer review as included in the current invention as part of the current invention's means of providing expert validation or rejection of the issue being raised, a means that is also enabled in the current invention in a way that promotes anonymity. Moreover, this previous invention is site specific and internally focused when implemented, too complex to be meaningfully extrapolated or aggregated across a broader company or industry view to indicate trends in safety culture, even assuming it were to somehow create safety culture benefits. Indeed, this previous invention does not propose to affect the safety culture, but it does provide an efficient way of dealing with issues expected to occur in a failed safety culture. The current invention is safety-culture focused, overcomes the tendency of middle managers and supervisors to suppress issues that can slow production, encourages workers to raise emergent issues and concerns, and better protects such workers from identification and retaliation than any method currently available. The current invention provides summary information on issues and concerns raised such that external regulators and financial interests are informed, thus allowing the results of the current invention to be used to reinforce the organization's safety culture and discourage management retaliation on whistleblowers. This previous invention does not address the aggregation, integration,

peer review, and safety culture improvements that are the objectives and elements of the current invention, either for a company or for an industry, and is not intended to generate the associated reports for responsible senior managers, government regulators, or the public.

DRAWINGS

Drawings are not essential to understanding this invention since any associated complexity on common organizational pyramid structures (several layers of management) and common computer programming concepts used to automate the methods disclosed in the invention are readily perceptible to persons skilled in the art of organizational management, computer programming, and telecommunications systems.